

Attorney's Docket No. U-011098-6

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Oscar Johannes Maria GODDIJIN, et al

Serial No.: 08 / 779,460

Filed: January 7, 1997

Group No.: 1803

For: ENHANCED ACCUMULATION OF TREHALOSE IN PLANTS Examiner: D. Fox

Box Sequence

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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JAN 6 1998

GROUP 1800

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,  
AND/OR AMENDMENT PERTAINING THERETO FOR BIOTECHNOLOGY  
INVENTION CONTAINING NUCLEOTIDE AND/OR AMINO ACID  
SEQUENCE**

(check and complete this item, if applicable)

1. ☒ This replies to the Office Letter dated November 13, 1997

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

☒ A copy of the Office Letter is enclosed.

**CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

37 CFR 1.8(a)

☐ with sufficient postage as first class mail.

37 CFR 1.10

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_

**TRANSMISSION**

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: December 15, 1997

Signature

CLIFFORD J. MASS

(type or print name of person certifying)

(Submission—Nucleotide and/or Amino Acid Sequence [9-37]—page 1 of 6)

### IDENTIFICATION OF DECLARANT

2. I, Clifford J. Mass  
(type or print name of declarant signing below)  
state the following:

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GROUP 1800

### ITEMS BEING SUBMITTED

3. Submitted herewith is/are  
(check each item as applicable)
- A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application, each "Sequence Listing" is assigned a separate identifier as required in 37 CFR § 1.821(c) and 37 CFR §§ 1.822 and 1.823
  - B. ☒ An amendment to the description and/or claims wherein reference is made to the sequence by use of the assigned identifier as required in 37 CFR § 1.821(d)
  - C. ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form in accordance with the requirements of 37 CFR §§ 1.821(e) and 1.824
  - D. ☐ Please transfer to this application, in accordance with 37 CFR § 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:

Serial No.: 0 /  
Filed:  
For:

Group No.:  
Examiner:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form  
(other application)

"Sequence Identifier"  
(this application)

NOTE: "If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference may be made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified." 37 CFR 1.821(e).

E. ☒ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same as required in 37 CFR § 1.821(g).

☐ Since the statement is not made by a person registered to practice before the Office the Statement is verified as required in 37 CFR § 1.821(b).

F. ☒ Since this submission is made in fulfilling the requirement under 37 CFR § 1.821(g), a statement that the submission includes no new matter

☐ Since the statement is not made by a person registered to practice before the Office the statement is verified as required in 37 CFR § 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING" AND COMPUTER READABLE COPY ARE THE SAME AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

*(complete applicable item A and/or B)*

A. ☒ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.

B. ☒ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

**VERIFICATION**

5. NOTE: "Such a statement must be verified statement if made by a person not registered to practice before the Office." 37 CFR § 1.821(f) and (g).

☐ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**STATUS**

6. Applicant is

☐ a small entity. A verified statement:

☐ is attached.

☐ was already filed.

☒ other than a small entity.

(Submission—Nucleotide and/or Amino Acid Sequence [9-37]—page 3 of 6)

## EXTENSION OF TERM

7.

**NOTE:** "Extension of Time in Patent Cases (Supplement Amendments)—If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

**NOTE:** See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

8. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

(a) ☐ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 370.00	\$185.00
<input type="checkbox"/> three months	\$ 870.00	\$435.00
<input type="checkbox"/> four months	\$ 1,360.00	\$680.00

Fee \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE PAYMENT

9. ☐ Attached is a check in the sum of \$ \_\_\_\_\_.

☐ Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.

A duplicate of this transmittal is attached.

(Submission—Nucleotide and/or Amino Acid Sequence [9-37]—page 4 of 6)

## FEE DEFICIENCY

10.

**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

11. ☒ If any additional extension and/or fee is required, charge

Account No. 12-0425

### SIGNATURE(s)

Clifford J. Mass

(type or print name of person signing declaration)

December 15, 1997

(Date)

Clifford J. Mass

Registered Attorney No. 50,086

c/o LADAS & PARRY

26 West 61st Street

New York, NY 10023

(if applicable)

Telephone No. ( )

Reg. No.

(Signature)

- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☐ Person authorized to sign on behalf of assignee
- ☐ Attorney or agent of record
- ☒ Filed under Rule 34(a)
- ☐ Other \_\_\_\_\_

(specify identity of declarant)

(complete the following if applicable)

\_\_\_\_\_  
(type name of assignee)

\_\_\_\_\_  
(Address of assignee)

\_\_\_\_\_  
(Title of person authorized to sign on behalf of assignee)

A "CERTIFICATE UNDER 37 CFR 3.37(b)" is attached.

Assignment recorded in PTO on \_\_\_\_\_

Reel \_\_\_\_\_ Frame \_\_\_\_\_

Reg. No.

Tel. No.: (    )

SIGNATURE OF ATTORNEY

Clifford J. Mass

Registration No. 30,086

~~C/O LADAS & PARRY~~

26 West 61st Street  
New York, NY 10023

(212) 708-1890

(P.O. Address)



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	CLASSIFICATION	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

RECEIVED  
JAN 14 1997  
340 EAST 57TH STREET  
NEW YORK, NY 10022

EXAMINER	
ART UNIT	PAPER NUMBER
11/15/97	

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

*Please see attachments*

Art Unit: 1803

The communication filed 29 September 1997 is not fully responsive to the communication mailed 28 March 1997 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report.

Since the response appears to be *bona fide*, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a TIME LIMIT of ONE MONTH or THIRTY DAYS, whichever is longer, from the date of this letter or within the time remaining in the response period of the communication mailed 28 March 1997, whichever is longer (37 CFR 1.135(c)).

NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) or (b), but the statutory period for response set in the communication mailed 28 March 1997 may be extended up to a maximum of SIX (6) MONTHS under 37 CFR 1.136.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David T. Fox whose telephone number is (703) 308-0280. The examiner can normally be reached on Monday through Friday from 9:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Robinson, can be reached on (703) 308-2897. The fax phone number for this Group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

November 10, 1997

DAVID T. FOX  
PRIMARY EXAMINER  
GROUP 180





Applicant's

Application No.: 08/779,460

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- ☒ ~~A computer~~ substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ ~~A paper~~ substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216  
For CRF Submission Help, call (703) 308-4212  
For PatentIn software help, call (703) 308-6856

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**